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August 2, 2023

VIA ECF

Honorable Kevin McNulty, U.S.D.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Honorable Edward S. Kiel, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Rensselaer Polytechnic Institute v. Samsung Electronics America, Inc. et al.*
Civil Action No. 19-cv-20097 (KM)(ESK)

Dear Judges McNulty and Kiel:

We, along with Blank Rome LLP, represent Defendants Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively, "Samsung") in the above referenced matter. With Hill Wallack LLP and Murtha Cullina LLP, counsel for Plaintiff Rensselaer Polytechnic Institute ("RPI"), the parties write to request the availability of Judge Kiel to conduct all proceedings and rule on the following motions and applications:

- Samsung's letter application directed to Judge Kiel seeking an order compelling RPI to provide its expert infringement positions consistent with the Amended Scheduling Order and its burden to prove infringement (ECF No. 158); and
- RPI's motion pursuant to Fed. R. Civ. P. 41(a)(2) to voluntarily dismiss its infringement claims with prejudice, also directed to Judge Kiel, so that RPI can appeal the Court's construction of "passivate" and "[passivate the / passivated] surface" (ECF NO. 160).

In response to RPI's motion, on July 25, 2023, the Clerk's Office docketed an ECF Notice setting RPI's motion to dismiss (ECF No. 160) before Judge McNulty. In light of, and to address any uncertainty arising from, the Clerk's Office's docket entry, the parties enclose a Notice, Consent, and Reference of a Dispositive Motion to a Magistrate Judge (the "Notice") to authorize Judge Kiel to adjudicate both Samsung's letter application and RPI's motion. Because both Samsung's letter application and RPI's motion involve similar issues, the parties believe that judicial resources would be saved by having both items referred to Judge Kiel.

GIBBONS P.C.

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Should the Court have any questions or require additional information, we are available at the Court's convenience. The parties thank the Court for its consideration and assistance in this matter.

Respectfully submitted,

s/ Charles H. Chevalier

Charles H. Chevalier

Enclosure.

cc: Clerk of Court (via email)
All counsel of record (via ECF and email)